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FINGERPRINT BACKGROUND CHECK REQUIREMENT

• IMPORTANT INFORMATION • Concerning Your Fingerprint-Based Background Check

Who: If you are

1. Applying for initial Montana educator licensure,
2. Seeking emergency authorization of employment, or
3. Seeking to reinstate a lapsed, revoked, or suspended educator license,

the Montana Board of Public Education policy requires you to provide information and material to obtain a fingerprint-based national criminal history background check (a “background check”).

What: The background check is a report compiled from data held by the Montana Department of Justice and the United States Federal Bureau of Investigation. The report contains criminal convictions and it may influence your qualification for licensure. The Superintendent of Public Instruction may not issue a license until the background check has been completed and the results of the background check have been delivered to and reviewed by the Office of Public Instruction.

Why: One of the legal requirements for educator licensure in Montana is that you be of “good moral and professional character.” The background check is a tool the Office of Public Instruction uses to evaluate a person’s character. Conviction, including conviction following a plea of *nolo contendere*, a conviction in which the sentence is suspended or deferred, or any other adjudication treated by the court as a conviction, may be considered by the Office of Public Instruction in the licensure process if the conviction was for a sexual offense, a crime involving violence, the sale of drugs, or theft, or any other crime meeting the criteria of Title 37, Chapter 1, Part 2, MCA.

Your Rights: You are entitled to:

1. Obtain a copy of any background check report and
2. Challenge the accuracy and completeness of any information contained in any such report and obtain a prompt determination as to the validity of such challenge before a final determination on your application is made by the Office of Public Instruction.

How: The background check requires that you submit a separate application directly to the Montana Department of Justice. The Office of Public Instruction will provide that application material to you. The cost of the background check is \$34, which must be paid directly to the Montana Department of Justice. The background check requires fingerprinting by a qualified office or person, generally a local law enforcement officer (police or sheriff). The application for a background check requires that you:

1. Submit your name, address, and date of birth (as appearing on a valid identification document);
2. Submit a statement that you have not been convicted of a crime and the particulars of the conviction;
3. Be notified of certain rights under federal law; and
4. Be notified that prior to the completion of the background check you may be denied unsupervised access to children.

The Office of Public Instruction may accept the results of a background check conducted for the Montana University System or a private college or university in Montana of a student, provided the background check was completed no more than two years before the applicant submits a license application to the Office of Public Instruction.